

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUAN PADILLA,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
TEMPLE UNIVERSITY HOSPITAL	:	
PSYCHE WARD / CRISIS UNIT,	:	
Defendant.	:	NO. 99-3384

**MEMORANDUM AND ORDER**

**J. M. KELLY, J.**

**JULY 13, 1999**

Presently before the Court is Plaintiff Juan Padilla's Motion to Proceed In Forma Pauperis. Defendant Temple University Hospital has not responded to this motion because it apparently is unaware of this action, never having been served with a copy of the complaint attached to this motion.<sup>1</sup> For the reasons that follow, the Court will dismiss this action without prejudice as frivolous. Plaintiff's motion therefore is dismissed as moot.

Plaintiff seems to allege he was treated by health care providers in the Crisis Unit of Temple University Hospital's Psychology Ward. He alleges persons employed by the hospital are violating his "Personal Freedom Rights" by "having Compatible Vehicles follow me around to see if I am the type of person to demonstrate any kind of outburst or Adversive manner; so that; I would not be able to successfully Appeal & have permanently purged-out all and any Pysche Records Fictitiously Invested and Created by: Psyche Department of: Temple University Hospital . . . ." He goes on to mention those who treated him recommended he be institutionalized for a time, and that this recommendation has damaged his name and credibility.

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<sup>1</sup>Although Plaintiff never filed a complaint in this action, the Clerk of Court assigned his petition a civil action number and marked it related to another case Mr. Padilla brought recently.

The Court finds this action is frivolous under 28 U.S.C. § 1915(e)(2)(B)(I) (1994), and will dismiss this case. Plaintiff's motion to proceed in forma pauperis therefore is moot, and will be dismissed as such.

An Order follows.

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Defendant.	:	NO. 99-3384

**ORDER**

AND NOW, this 13th day of July, 1999, upon consideration of Plaintiff Juan Padilla's motion to proceed in forma pauperis, and also in consideration of the complaint Plaintiff has attached thereto, it is hereby **ORDERED**:

1. This action is **DISMISSED** without prejudice as frivolous under 28 U.S.C. § 1915(e)(2)(B)(I) (1994);
2. Plaintiff's motion to proceed in forma pauperis (Document No. 1) is **DISMISSED** as moot; and
3. The Clerk of Court is ordered to mark this matter closed.

BY THE COURT:

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JAMES McGIRR KELLY, J.